

REMARKS

- 1) Applicants have amended claim 1 as shown above, to now require that the first doping element comprises erbium (Er). Support for the element erbium (Er) is shown in the originally filed claim 3, as well as the specification at page 5, line 16, and in the abstract. Claims 2 and 3 have been cancelled accordingly. Claim 1 has also been amended to now require that the second dopant element is selected from the group consisting of indium, gallium, copper, palladium, and gold. Support for these elements is shown in the originally filed claims 4-8, as well as the specification at page 6, lines 1-10 and in the abstract. Claims 4-8 have been amended for clarification. In addition, claim 1 has been amended for clarity, to include the subject matter of claim 10, wherein the combined total of the concentration of the first dopant element and second dopant element is 0.01 to 3.0 atomic %. Claims 9 and 10 have thus been cancelled accordingly.
- 2) The Examiner has rejected claims 1-3, 6-8, and 11 under 35 U.S.C. 102 over JP 2002-226927 (hereinafter JP '927). Applicants respectfully assert that this ground of rejection has been overcome by the instant amendment.

The presently amended claims provide a silver alloy for use in a reflective film, consisting essentially of silver as a main element, erbium as a first dopant element, and at least one second dopant element selected from the group consisting of indium, gallium, copper, palladium, and gold, wherein the combined total concentration of the first and second dopant elements is from 0.01 to 3.0 atomic %.

Indeed JP '927 relates to silver alloy reflection films. However, it is urged that JP '927 fails to teach every feature of the presently amended claims. Specifically, the JP '927 reference discloses a silver alloy reflection film containing one or more elements selected from cerium (Ce), neodymium (Nd), samarium (Sm), gadolinium (Gd), terbium (Tb), and dysprosium (Dy) as a first dopant. However, nothing in the reference JP '927 discloses the use of an erbium dopant, as presently required. In addition, JP '927 teaches the

presence of a second dopant material selected from titanium (Ti), vanadium (V), niobium (Nb), chromium (Cr), molybdenum (Mo), and manganese (Mn). This differs from the presently amended claims, which require at least one second dopant element selected from the group consisting of indium, gallium, copper, palladium, and gold. Thus, JP '927 fails to teach a silver alloy having both the first dopant element and second dopant element of the presently amended claims. It is submitted that the absence of these features from the cited reference renders the present invention patentably distinct from JP '927. Thus, Applicants respectfully submit that the 35 U.S.C. 102 rejection has been overcome by the instant amendment.

3) The Examiner next rejects claims 1, 3, 5-8, and 11 under 35 U.S.C. 102 over Nakai. Applicants respectfully assert that this ground of rejection has been overcome by the instant amendment.

As stated above, the presently amended claims require a main element of silver, a first dopant element of erbium, and at least one second dopant element selected from the group consisting of indium, gallium, copper, palladium, and gold. Such is not taught by the Nakai reference.

Nakai relates to a silver reflection layer for optical media. They disclose silver alloy containing rare-earth elements, particularly neodymium (Nd). While additional elements may be added, their invention requires an Ag-Nd alloy. This clearly differs from the present claims, as currently amended. That is, the presently amended claims now require a silver alloy which contains an erbium dopant element. Such is not taught by Nakai. It is submitted that the absence of this feature from the cited reference renders the present claims patentably distinct from Nakai. Therefore, it is respectfully urged that the 35 U.S.C. 102 rejection has been overcome by the instant amendment.

4) The Examiner has rejected claims 1 and 4 under 35 U.S.C. 103 over Ohno. Applicants respectfully assert that this ground of rejection has been overcome by the instant amendment.

Ohno relates to an optical recording medium having several layers, including a semi-transparent layer, an inter-diffusion protection layer, a first protective layer, a phase-change recording layer, a second protective layer, and a metallic reflective layer. The metallic reflective layer comprises Ag, Al, Au or Cu, and may further contain certain impurities. However, like the citations above, Ohno fails to disclose the presence of erbium as a first dopant element, as is now required by the amended claims. While Ohno generically lists rare earth elements as possible impurities, nothing in Ohno provides any technical data or examples showing that erbium would or could be successfully included in their structure. Likewise, none of Ohno's claims list the use of erbium. Thus, it is urged that Ohno did not have possession of Applicant's claimed invention at the time of their filing. Specifically, Ohno fails to particularly disclose or claim a structure which is a silver alloy *consisting essentially of* silver as a main element, erbium as a first dopant element, and at least one second dopant element selected from the group consisting of indium, gallium, copper, palladium, and gold, wherein the combined total concentration of the first and second dopant elements is from 0.01 to 3.0 atomic %. It is respectfully urged that presently amended claims are patentably distinct from JP '927. Thus, for all of the above reasons, it is thus submitted that the 35 U.S.C. 102 rejection has been overcome by the instant amendment.

5) The Examiner has rejected claims 9 and 10 under 35 U.S.C. 103 over JP 2002-226927 (hereinafter JP '927). Applicants wish to point out that the subject matter of claim 10 has been incorporated into claim 1, and that claims 9 and 10 have been cancelled accordingly. Furthermore, it is respectfully submitted that the presently amended claim 1, which includes the subject matter of claim 10, is sufficiently novel and non-obvious in view of JP '927 for the reasons stated above. It is urged that, while certain dopant concentration ranges may be known in the art, nothing in JP '927 teaches or suggests a silver alloy having a erbium dopant, as presently required. In addition, nothing in JP '927 teaches or suggests the presence of a further dopant selected from the group consisting of indium, gallium, copper, palladium, and gold. It is submitted that one skilled in the art would not be inspired to formulate invention of the presently amended claims upon a reading of JP

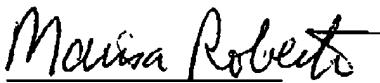
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'297. It is therefore respectfully submitted that the 35 U.S.C. 103 rejection has been overcome by the instant amendment.

6) The Examiner has rejected claims 9 and 10 under 35 U.S.C. 103 over Nakai. Again, it is pointed out that the subject matter of claim 10 has been incorporated into claim 1, and that claims 9 and 10 have been cancelled accordingly. In addition, it is submitted that the presently amended claim 1, which includes the subject matter of claim 10, is sufficiently novel and non-obvious in view of Nakai for the reasons stated above. Applicants respectfully urge that, while certain dopant concentration ranges may be known in the art, nothing in Nakai teaches or suggests a silver alloy having an erbium dopant, as presently required. Applicants submit that one skilled in the art would not be inspired to formulate invention of the presently amended claims upon a reading of Nakai. Thus, it is respectfully urged that the 35 U.S.C. 103 rejection has been overcome by the instant amendment.

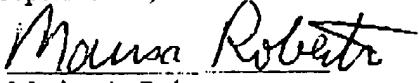
The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the Examiner believes there is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,



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I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office (FAX No. 571-273-8300) on September 5, 2008.



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